

## PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Tuesday, January 21, 2014 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud, Marcia Johnston (by phone), Tim Potts, Kelly Vasknetz, and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: None.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Potts, second by Hersrud and carried with all members present voting yes to approve the agenda with an amendment of adding #13 – Consider approving an Engineering Professional Service Contract.

### Announcements:

Mayor Carstensen congratulated Rockingtree Floral and Garden Center for receiving the 2014 South Dakota Retailer of the Year and also Cor Bon for receiving Shot Business of the Year.

Mayor Carstensen reminded citizens that they are to bag their garbage according to the City Ordinance.

### City Manager Ainslie reported:

The budget numbers for the end of 2013, there are still a few outstanding bills being paid for at this meeting. Mayor and Council -80%; Attorney – 99%; Finance-99%; Human Resource-98%; City Manager – 82%; Information Technology – 55%; Insurance – 88%; Buildings-94%; Planning and Permitting – 94%; Rally Department-99%; Sponsorship – 88%; Police/Dispatch-98%; Fire-80%; Streets-83%; Street Lighting-90%; Airport-95%; Cemetery-80%; Community Center-88%; Recreation – 89%; Parks-94%; Library-93%; Auditorium-84%. Overall the General Fund is at 90.4%. Liquor-88%; Water-119%; Wastewater-91%; Sanitation-84% and Ambulance-157%.

Exit 32 has been cleared of all tree limbs as of today. Parks Department, with the help from the Water Department and Public Works Department, has been working on trimming trees in the City right-of-way. They have completed 249 trees of the 408 trees that have been identified by FEMA. They were unable to trim 14 trees as there were cars sitting under them, 16 trees will need to be trimmed by Black Hills Power, 40 trees that are over 40' will have to wait until the City receives the new bucket truck.

Councilor Waterland commented that he hopes the Citizens of Sturgis appreciate the hard work that the Parks Department are doing on tree clean up after the blizzard. They have been taken away from their regular duties but this is work that needs to be done for safety and welfare of all the citizens.

The Chamber of Commerce will use the Community Center parking lot for the Northern Hills Ag Fest and Home Show on February 22, 2104. The Chamber will provide the labor to set up for this event.

We received notification from ISO that our insurance rating will be stay at 5.

Motion by Hersrud, second by Waterland and carried with all members present voting yes to approve the following items on the consent calendar:

- a. Consider approval of the minutes from the January 6, 2014 regular council meeting and the January 13, 2014 special council meeting.
- b. Consideration to approve setting a public hearing on February 3, 2014 for Duayne Israelson for a side yard variance at 1343 Pine Street.

Motion by Johnston, second by Waterland and carried with all members present voting yes to approve the following claims with the exception of **General** - Johnston Hardware, \$140.19, supp; Scott Peterson Motors, \$32.95, repair; **Ambulance** - Scott Peterson Motors, \$503.40, repair; **Wages** – Ambulance \$24,126.35; Attorney \$2935.10; Buildings \$1498.87; Cemetery \$2068.96; City Manager \$4448.54; Community Center \$9388.94; Finance Office \$8993.18; Fire Department \$1651.51; Human Resource \$2208.94; Library \$8429.44; Liquor \$4676.59; Mayor and Council \$3391.63; Parks \$11,398.37; Planning & Permitting \$3921.91; Police \$35,321.02; Rally \$3398.38; Recreation \$2864.63; Sanitary Service \$11,572.86; Streets \$9406.90; Wastewater \$6660.78; Water \$14,537.39; Federal Withholding \$16,268.03; FICA \$12,551.91. **General** – A&B Business, \$891.09, repair; Amazon, \$46.72, supp; Amcon Distributing, \$275.17, merch for resale; AT&T, \$1681.49, util; Avtech, \$120.00, util; Baker & Taylor, \$346.07, supp; Andrew Barff, \$30.00, other; Dusty Barker, \$60.00, other; Greg Barnier, \$197.42, grp insur; Best Western Ramkota Inn, \$1162.00, travel; BH Garage Doors, \$182.50, repair; Bierschbach Equipment, \$308.00, supp; Black Hills & Badlands Tourism, \$2500.00, city promo; BH Chemical, \$1621.32, supp; BH Power, \$27,365.97, util; BH Rally & Gold, \$630.00, merch for resale; BH SHRM, \$50.00, prof fee; BH Urgent Care, \$55.00, prof fee; Eli Bueno, \$262.48, grp insur; Caudill Leavitt Insurance, \$50,415.00, insur; CBH Cooperative, \$21,416.47, supp; Coca Cola, \$1519.85, merch for resale; Corbon Law Enforcement, \$31.79, supp; Dakota Backup, \$1672.84, prof fee; Dan Davidson, \$120.00, supp; Ecolab Pest, \$185.42, maint; ESRI, \$1500.00, supp; Fire Pro, \$45.90, maint; First Interstate Bank, \$2722.01, supp; Frontier Precision, \$1260.00, supp; G&G Enterprises, \$112.50, merch for resale; Grimm's Pump Service, \$302.84, repair; Ken Grosch, \$30.00, other; Jenner Equip, \$135.04, repair; KT Connections, \$697.00, supp; Ketel Thorstenson, \$345.00, prof fee; Knight Security, \$815.40, maint; Lynn's Dakotamart, \$236.90, supp; Marco Inc, \$23.38, maint; Meade Co Auditor, \$9400.76, other; Meade Co Times, \$523.08, publ; Menards, \$179.97, supp; Mid-States Organized Crime, \$150.00, other; Milt's Cleaning, \$96.00, supp; MDU, \$12,437.39, util; Motionsoft, \$450.00, prof fee; Ben Mumm, \$356.51, grp insur; Neve's Uniforms, \$1145.89, supp; Mike O'Bryan, \$500.00, grp insur; O'Reilly Auto Parts, \$163.77, repair; Owens Interstate, \$1808.19, supp; John Perry, \$100.00, refund; Dane Pi, \$30.00, other; Pizza Hut, \$32.25, supp; Public Safety Equip, \$7097.98, equip; Purchase Power, \$1420.99, supp; Rapid City Journal, \$49.80, publ; Rasmussen Mechanical Services, \$1656.84, repair; Robert Sharp & Assoc, \$1005.85, publ-rally; Rushmore Office \$362.33, supp; Rushmore Safety Supplies, \$163.94, supp; Sam Erion Construction, \$961.33, prof fee-rally; Schwans, \$29.23, merch for resale; SD Dept of Corrections, \$5587.44, other; Servall Towel, \$561.71, supp; Shopko, \$412.96, other; Signs Now, \$700.78, supp; Gene Stock, \$1000.00, grp insur; Sturgis Sawmill, \$155.16, supp; Sturgis Volunteer Fire Dept, \$11,916.39, other; Tasc-Client Invoices, \$1470.60, grp insur; Taste of Home, \$15.00, supp; The Knuckle Saloon, \$100.00, refund; Theatrical Services, \$128.87, supp; Steve Tucker, \$500.00, grp insur; Value Line Publishing, \$950.00, supp; Vanway Trophy, \$278.84, other; Brenda Vasknetz, \$45.00, travel; West Payment Center, \$209.68, supp; West River Electric, \$682.72, util; Western Communications, \$100.00, supp; Wow! Business, \$306.19, util.

**Capital Improvement** – Baseline Surveying, \$625.00, cap imp; Freeman Electric, \$550.00, improvements; Hills Materials, \$416.11, cap imp; Iverson Construction, \$13,500.00, equip.

**Liquor** – Melissa Abrahamson, \$500.00, grp insur; Arctic Glacier, \$132.55, merch for resale; AT&T, \$54.53, util; BH Chemical, \$49.96, supp; BH Power, \$1912.86, util; Cask & Cork, \$367.83, off sale liquor; Coca Cola, \$597.00, pop for resale; Dakota Ads, \$300.00, publ; Eagle Sales, \$21,722.05, off sale beer; Tom Ferguson, \$1000.00, grp insur; First Interstate Bank,

\$147.19, repair; Fisher Beverage, \$13,674.59, off sale beer; Johnson Western Wholesale, \$41,346.29, off sale liquor; Lynn's Dakotamart, \$6.25, other; MDU, \$413.88, util; Prairie Berry, \$1080.00, off sale liquor; Republic Beverage Co, \$61,405.54, off sale liquor; Rushmore Office, \$593.43, supp; Servall Towel, \$305.06, supp; Tasc-Client Invoices, \$58.40, grp insur; The Homeslice Group, \$9499.00, publ; Wine Warehouse, \$76.32, off sale liquor.

**Water** – AT&T, \$222.84, util; BH Power, \$8619.85, util; Judd Crowser, \$98.00, grp insur; Dakota Backup, \$228.11, prof fee; MDU, \$524.91, util; Print Mark-et, \$436.14, publ; Tasc-Client Invoices, \$165.62, grp insur; Adam Weisz, \$84.63, grp insur; Wow! Business, \$34.95, util.

**Wastewater** – AT&T, \$100.36, util; Owens Interstate, \$94.74, supp; Rushmore Office, \$102.03, supp; Tasc-Client Invoices, \$73.82, grp insur; Tracker Software Corp, \$2830.00, maint.

**Sanitary Service** – AT&T, \$80.37, util; BH Power, \$11.50, util; CBH Coop, \$833.71, supp; First Interstate Bank, \$699.67, supp; Owens Interstate, \$728.12, repair; Print Mark-et, \$872.30, publ; Reclamation Services, \$18,170.00, other; Rushmore Office, \$71.25, supp; Tasc-Client Invoices, \$180.89, grp insur.

**Ambulance** – BH Garage Doors, \$182.50, repair; BH Power, \$785.29, util; CBH Cooperative, \$2399.51, supp; Century Business, \$26.21, supp; Ecolab Pest, \$35.00, supp; First Interstate Bank, \$467.06, travel; Interstate All Batteries, \$28.50, supp; Lynn's Dakotamart, \$33.84, travel; Milt's Cleaning, \$48.00, supp; MDU, \$546.10, util; O'Reilly Auto Parts, \$6.99, supp; Physio-Control, \$397.92, supp; Regional Home Medical Equip, \$373.50, supp; Rushmore Office, \$308.55, supp; Nicole Skouge, \$120.00, grp insur; Tasc-Client Invoices, \$257.15, grp insur.

Motion by Potts, second by Vasknetz and carried with Anderson, Bachand, Bestgen, Hersrud, Potts, Vasknetz and Waterland voting yes, Carstensen and Johnston abstaining, to approve the following claims: **General** - Johnston Hardware, \$140.19, supp; Scott Peterson Motors, \$32.95, repair; **Ambulance** - Scott Peterson Motors, \$503.40, repair.

Motion by Hersrud, second by Bestgen and carried with all members present voting yes to approve remanding the zoning amendment to rezone a mobile home park to an RV park for Key City Investments back to the Planning Commission.

Motion by Waterland, second by Potts and carried with all members present voting yes to approve the following payroll changes: Community Center Dept –Lifeguards – Taber Baldwin - \$7.75, John Paul - \$7.50; Volunteer Toddlerama – Leah Haasch – no wage. Volunteer Fire Dept – Volunteer Fire Fighters – Leroy Cooper, Randy Karstense – no wage. Ambulance Dept – Kaleb Zook – EMT-B – \$12.00 (\$10 until orientation complete); Shawn Barrows – EMT-Basic - \$12.50; Jason Reitz – Paramedic - \$18.00; Brent Lyons – EMT-Intermediate - \$14.25; Adam Miles – EMT-Advanced - \$15.00 (\$13 until orientation complete). Water Dept – Dale Olson - \$2435.95.

Motion by Waterland, second by Anderson and carried with all members present voting yes to approve second reading of Ordinance 2014-01 – Title 36 – Administrative Code Enforcement.

**ORDINANCE 2014-01**  
**AN ORDINANCE AMENDING TITLE 36– ADMINISTRATIVE CODE**  
**ENFORCEMENT**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 36 Administrative Code Enforcement–Chapter 36.01 General Provisions– Section 36.01.02: Definitions; Chapter 36.03 Citations – Section 36.03.05: Civil Penalty – List, 36.03.08: Filing a Complaint for Enforcement, 36.03.09: Courtesy Letter/Notice of Violation, 36.03.10: Notice of Complaint, 36.03.11: Abatement or Filing of Review Required within Fifteen

(15) days, 36.03.12: Immediate Abatement required in certain cases, 36.03.13: Issuance of Summons and Complaint for Violation. Chapter 36.04: Appeal- Chapter 36.04.01: Appeal Permitted, 36.04.06: Report, Costs are amended to read as follows:

## **TITLE 36 ADMINISTRATIVE CODE ENFORCEMENT**

### **CHAPTERS:**

36.01: General Provisions  
36.02: Authority  
36.03: Citations  
36.04: Appeal  
36.05: Effective Date

### **CHAPTER 36.01 GENERAL PROVISIONS SECTION**

36.01.01: Scope and Purpose  
36.01.02: Definitions  
36.01.03: Penalty

#### **36.01.02: DEFINITIONS**

The following words, when used in this Title, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

**CODE ENFORCEMENT OFFICER:** Any City employee or agent of the City designated by the City Manager with the authority to enforce any provision of this Title and issue notice of violations or administrative citations.

### **CHAPTER 36.03 CITATIONS**

#### **SECTIONS:**

36.03.01: Administrative Citations  
36.03.02: Administrative Citations Procedure  
36.03.03: Administrative Citations Penalties Assessed  
36.03.04: Failure to Appeal or Pay Administrative Citation Penalties  
36.03.05: Civil Penalty – List  
36.03.06: Civil Penalty Amount  
36.03.07: Remedies not Exclusive  
36.03.08: Filing a Complaint for Enforcement  
36.03.09: Courtesy Letter/Notice of Violation  
36.03.10: Notice of Complaint  
36.03.11: Abatement or Filing of Review Required within Fifteen (15) days  
36.03.12: Immediate Abatement required in certain cases  
36.03.13: Issuance of Summons and Complaint for Violation

### **36.03.05: CIVIL PENALTY – LIST**

The following schedule lists the Code provisions for which civil penalties may be cited under this Title, although criminal enforcement is not prohibited.

- A. Title 2. Building
- B. Title 11. Health and Sanitation
- C. Title 12. Nuisances
- D. Title 15. Streets and Sidewalks
- E. Title 16. Traffic, those provisions in regard to parking and storage of and within vehicles.
- F. Title 18. Zoning
- G. Title 19. Subdivision
- H. Title 30. Signs
- I. Title 31. Temporary Vendors, Businesses
- J. Title 32. Animals

### **36.03.08: FILING A COMPLAINT FOR ENFORCEMENT**

Unless otherwise stated in this Title, in the event any City representative receives a complaint, either orally or in writing, of a City Ordinance violation, he/she shall forward the complaint to the Code Enforcement Officer. As part of the investigation, the person making the complaint shall provide the following information:

- A. Name, address and phone number of the person making said complaint;
- B. Address of the property for which the complaint is being filed; and
- C. Nature of the complaint.

After obtaining the necessary information from the complainant, the Code Enforcement Officer shall investigate as necessary based upon the nature of the complaint.

### **36.03.09: COURTESY LETTER /NOTICE OF VIOLATION**

Unless otherwise stated in this Title, in the event the Code Enforcement Officer finds that any violation exists, the City shall send a Courtesy Letter/Notice of Violation to the property owner. The letter shall state the following:

- A. Name and address of the property owner;
- B. Address and legal description of the property in violation;
- C. Nature of the violation;
- D. Title, Chapter and Section violated;
- E. Demand that the property owner become compliant; and
- F. The date upon which the representative will inspect the property for compliance.

### **36.03.10: NOTICE TO COMPLAINANT**

In the event the Code Enforcement Officer concludes that a violation does not exist, the Code Enforcement Officer shall send a letter to the complainant within fifteen (15) days of advising him/her of said determination.

### **36.03.11: ABATEMENT OR FILING OF REVIEW REQUIRED WITHIN FIFTEEN (15) DAYS**

Any person who has received written notification of an existing violation shall either abate said nuisance or file a written notice of review with the Code Enforcement Officer within fifteen (15) days of receipt of the Courtesy Letter/Notice of Violation. A complaint of a second or subsequent Ordinance violation subject to this Title at the same property shall reduce the Notice period established herein to seven (7) days. Thereafter the Administrative Citation may be immediately issued by the Code Enforcement Officer.

#### **36.03.12: IMMEDIATE ABATEMENT REQUIRED IN CERTAIN CASES**

Ordinance violations involving subjects such as, but not limited to, bonfires, campfires, dead animals, undressed hides, fireworks, depositing filth, spoiled foods or similar circumstances which are determined by the Code Enforcement Officer to be an immediate threat to public health and safety shall be abated immediately, unless otherwise directed by the City Manager. Nothing in this Title shall be deemed to interfere with the City's authority to immediately abate a nuisance that has been determined by the City to be an immediate threat to public health and safety.

#### **36.03.13: ISSUANCE OF SUMMONS AND COMPLAINT FOR VIOLATION**

If the landowner fails to abate the nuisance or request a review from the City Manager within the given time, the City may issue a complaint and summons to the landowner ordering the landowner to appear in court to answer said violation. Each violation may also be prosecuted as a Class II Misdemeanor for each day of violation until the nuisance is abated.

#### **36.03.14: LANDOWNER RESPONSIBLE FOR ANY COSTS**

Any related expenses, receipts, and administrative, legal, and/or investigative fees shall be billed to the landowner. The Code Enforcement Officer that conducted the investigation shall have the authority to employ a contractor to assist with said abatement. In the event the landowner fails to pay said bill within thirty (30) days of notice sent of those costs, the City Finance Officer shall add those costs to any utility, sewer or garbage service bill owed by the property owner. In addition the City Finance Officer may file a special assessment as a lien on the property with the Meade County Auditor's Office.

### **CHAPTER 36.04 APPEAL**

#### **SECTIONS:**

- 36.04.01: Appeal Permitted
- 36.04.02: Time of Hearing and Notice
- 36.04.03: Hearing Procedure
- 36.04.04: Rights of Parties at Hearing
- 36.04.05: Decision
- 36.04.06: Report, Costs
- 36.04.07: Subject to Judicial Review

#### **36.04.01: APPEAL PERMITTED**

Any person aggrieved by a citation issued by any code enforcement officer under this Title may appeal said citation to the City Council. Before filing an appeal, the aggrieved person is strongly

encouraged to meet with the City Manager to discuss why the person believes the citation was issued in error. If unresolved, the Appeal may be commenced.

Appeals shall be commenced by filing a notice of appeal with the City Manager. There shall be a One Hundred Dollar (\$100.00) fee assessed for filing an appeal, which shall be paid to the City of Sturgis at the time of filing the notice of appeal. The notice of appeal shall include a statement of the action complained of, why the same should be modified or rescinded, an address where the appellant can be mailed notice of hearings, and a copy of the citation issued. Upon receipt of the appeal documents from the City Manager, the Finance Officer shall deliver a copy of the appeal to the city attorney.

#### **36.04.06: REPORT, COSTS**

A written report of the decision, including the findings, shall be furnished to the aggrieved person and the City Manager within 20 working days from the date the appeal hearing is closed. The City and the aggrieved person shall bear their own respective cost of the appeal proceeding. The decision of the City Council shall be final.

Dated this 21<sup>st</sup> day of January, 2014.

First reading: 01-06-2014

Second reading: 01-21-2014

Adopted: 01-21-2014

Published: 01-29-2014

Effective: 02-19-2014

One bid was received for fuel and propane from CBH Cooperative. Fuel-our base cost+ freight + state taxes if necessary + \$.06 margin. Propane - \$.60p/pnd.

Motion by Hersrud, second by Potts and carried with all members present voting yes to award the bid to CBH Cooperative for 2014 fuel & propane supply.

Waterland introduced the following written resolution and moved its adoption:

#### **RESOLUTION 2014-11 RESOLUTION APPROVING PLAT**

**WHEREAS**, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

**WHEREAS**, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Vernon James Allison, Jr.:

A PLAT OF VERNON HEIGHTS ESTATES II SUBDIVISION, LOTS 2 AND 7, BLOCK 4 BEING A PORTION OF TRACT 'A' OF VERNON HEIGHTS ESTATES II SUBDIVISION, ALL LOCATED IN THE W1/2NE1/4, SECTION 15, T.5N, R.5E, B.H.M., CITY OF STURGIS, MEADE COUNTY, SOUTH DAKOTA

**WHEREAS**, said plat meets the requirements of the statutes in all things, now therefore,

**BE IT RESOLVED** by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 21st day of January, 2014.

Published: 01/29/2014

Effective: 02/19/2014

Anderson seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Any other business:

None

Motion by Hersrud, second by Waterland and carried with all members present voting yes to go into executive session for personnel and contracts at 6:54 pm.

Motion by Waterland, second by Hersrud and carried with all members present voting yes to return to regular session at 8:03 pm.

Motion by Bachand, second Vasknetz and carried with Anderson, Bachand, Bestgen, Carstensen, Hersrud, Vasknetz and Waterland voting yes, and Potts abstaining, to approve the professional engineering service contract. Johnston was no longer on the phone

Motion by Potts, seconded by Anderson and carried with all members present voting yes to adjourn the meeting at 8:05 pm.

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

Published once at the total approximate cost of \$349.99.